

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF NORTH CAROLINA

MAJOR BOYD WHITLEY

December 23, 2019. /s/ Major J. Whitley,

MAJOR BOYD WHITLEY,

Case No: 19-cv-00358-TDS-JLW

Plaintiff,

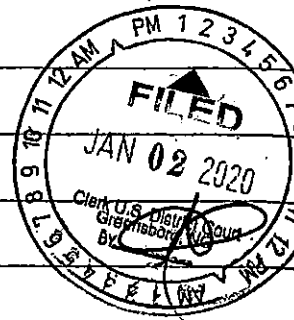
Response to W. JOEL WALLACE.

v.

AFFIDAVIT.

SHERIFF VAN SHAW, et al.,

Defendant(s)



ON and for the record!

I, Major Boyd Whitley in propria person suijuris do appear specially and not generally.

I did reach majority and do state the following as true:

1. I am a natural person
2. Major Boyd Whitley is a legal corporate entity.

In defendant L.T. Wallace affidavit, he states the jail staff did not force the plaintiff to modify his behavior, to violate his beliefs. Let the record reflect see Exhibit's that was filed on date APR-1-2019. Along with plaintiff complaint, that through grievance procedure at the cabarrus county detention, plaintiff brought to the defendants attention how being force to listing to Gideons christianity preaching was insulting to his Hebrew Israelite belief, and also how the type of treatment constitute violations to his citizen liberty rights to worship God according to the dictates of his own conscience and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free man. 14th Amendment. It nullifies and makes void all state legislation, and state action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty or property without due process of law, or which denies to any of them the equal protection of the laws. [30] The constitution of the United States, and the laws made, or which shall be made, in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are, and shall be the Supreme Law of the State; and the Judges of this State,

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and all the People of this State, are, and shall be bound thereby; anything in the Constitution or Law of this State to the contrary notwithstanding.

That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion, or profession, or for his religious practice. When a Citizen challenge the acts of a federal or state official as being illegal, that official as being illegal, that official cannot just simply avoid liability based upon the fact that he is a public official. In *United States v. Lee*, 106 U.S. 196, 220, 221, 1 S.Ct. 240, 266, the United States claimed title to Arlington, Lee's estate, via a tax sale some years earlier, held to be void by the Court. In so voiding the title of the United States, the Court declared No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives. Shall it be said... that the courts cannot give remedy when the citizen has been deprived of his prop by force, his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? if such be the law of this country, it sanctions tyranny which has a just claim to wellregulated liberty and the protection of personal rights.

The Defendant's are no food expert, defendants violated plaintiff Hebrew Israelite belief denying him his Kosher diet. Kosher diet and vegan diet are ~~for~~ different types of diet, and by defendants restriction to Kosher diet clearly creates a substantial burden on the plaintiff ability to practice his religion, modify Kosher diet with the Jail Vegan diet. And it's the jail responsibility treat all it's inmate's equally. The plaintiff brought to defendant's attention his bible of his religion, which is call the Book of Yahweh, which is a different religious book from Holy Bible, and the Quran. The jail provide no jobs so plaintiff is unable to make his own funds to pay for his religious book, plaintiff is indigent and he has no one to call on to help him to get his religious book. Plaintiff have tried to request through the Defendant's and the Jail library staff to get his religious book from the House of Yahweh who provide copies of plaintiff religious book for a price. The jail only change the procedure of Gideons Christianity preaching after plaintiff lawsuit was filed, let the record reflect see the Exhibit's that was filed with the complaint, The defendants and jail never tried to work with plaintiff religious issues concerns of the substantial burden the jail restrictions have on plaintiff ability to practice his religion. Defendants denied all plaintiff grievances and general requests. Defendants and the jail through act of omission, puts substantial pressure on plaintiff to modify his behavior and violate his beliefs, which a jury would grant plaintiff relief. Based on the foregoing, The plaintiff believe the court should grant plaintiff's motion for summary judgment.

Msgr Whitley

December 23, 2019.

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